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Resolution adopted by the General Assembly on 11 December 2013

[on the report of the Special Political and Decolonization Committee (Fourth Committee) (A/68/423)]

68/74. Recommendations on national legislation relevant to the peaceful exploration and use of outer space

The General Assembly,

Emphasizing the importance of appropriate means of ensuring that outer space is used for peaceful purposes and that the obligations under international law and those specifically contained in the United Nations treaties on outer space[1] are implemented,

Recalling its resolutions 59/115 of 10 December 2004 on the application of the concept of the "launching State" and 62/101 of 17 December 2007 on recommendations on enhancing the practice of States and international intergovernmental organizations in registering space objects,

Taking note of the work of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space and the report of its Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space on the work conducted under its multi-year workplan,[2]

Noting that nothing in the conclusions of the Working Group or in the present recommendations constitutes an authoritative interpretation or a proposed amendment to the United Nations treaties on outer space,

Observing that, in view of the increasing participation of non-governmental entities in space activities, appropriate action at the national level is needed, in particular with respect to the authorization and supervision of non-governmental space activities,

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[1] Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (United Nations, *Treaty Series*, vol. 610, No. 8843); Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (United Nations, *Treaty Series*, vol. 672, No. 9574); Convention on International Liability for Damage Caused by Space Objects (United Nations, *Treaty Series*, vol. 961, No. 13810); Convention on Registration of Objects Launched into Outer Space (United Nations, *Treaty Series*, vol. 1023, No. 15020); and Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (United Nations, *Treaty Series*, vol. 1363, No. 23002).

[2] A/AC.105/C.2/101.

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Noting the need to maintain the sustainable use of outer space, in particular by mitigating space debris, and to ensure the safety of space activities and minimize the potential harm to the environment,

Recalling the provisions contained in the United Nations treaties on outer space with respect to providing information, to the greatest extent feasible and practicable, on the activities carried out in outer space, in particular through registration of objects launched into outer space,

Noting the need for consistency and predictability with regard to the authorization and supervision of space activities and the need for a practical regulatory system for the involvement of non-governmental entities to provide further incentives for enacting regulatory frameworks at the national level, and noting that some States also include national space activities of a governmental character within that framework,

Recognizing the different approaches taken by States in dealing with various aspects of national space activities, namely by means of unified acts or a combination of national legal instruments, and noting that States have adapted their national legal frameworks according to their specific needs and practical considerations and that national legal requirements depend to a high degree on the range of space activities conducted and the level of involvement of non-governmental entities,

Recommends the following elements for consideration, as appropriate, by States when enacting regulatory frameworks for national space activities, in accordance with their national law, taking into account their specific needs and requirements:

1. The scope of space activities targeted by national regulatory frameworks may include, as appropriate, the launch of objects into and their return from outer space, the operation of a launch or re-entry site and the operation and control of space objects in orbit; other issues for consideration may include the design and manufacture of spacecraft, the application of space science and technology, and exploration activities and research;

2. The State, taking into account its obligations as a launching State and as a State responsible for national activities in outer space under the United Nations treaties on outer space, should ascertain national jurisdiction over space activities carried out from territory under its jurisdiction and/or control; likewise, it should issue authorizations for and ensure supervision over space activities carried out elsewhere by its citizens and/or legal persons established, registered or seated in territory under its jurisdiction and/or control, provided, however, that if another State is exercising jurisdiction with respect to such activities, the State should consider forbearing from duplicative requirements and avoid unnecessary burdens;

3. Space activities should require authorization by a competent national authority; such authority or authorities, as well as the conditions and procedures for granting, modifying, suspending and revoking the authorization, should be set out clearly within the regulatory framework; States might employ specific procedures for the licensing and/or for the authorization of different kinds of space activities;

4. The conditions for authorization should be consistent with the international obligations of States, in particular under the United Nations treaties on outer space, and with other relevant instruments, and may reflect the national security and foreign policy interests of States; the conditions for authorization should help to ascertain that space activities are carried out in a

safe manner and to minimize risks to persons, the environment or property and that those activities do not lead to harmful interference with other space activities; such conditions could also relate to the experience, expertise and technical qualifications of the applicant and could include safety and technical standards that are in line, in particular, with the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space;[3]

5. Appropriate procedures should ensure continuing supervision and monitoring of authorized space activities by applying, for example, a system of on-site inspections or a more general reporting requirement; enforcement mechanisms could include administrative measures, such as the suspension or revocation of the authorization, and/or penalties, as appropriate;

6. A national registry of objects launched into outer space should be maintained by an appropriate national authority; operators or owners of space objects for which the State is considered to be the launching State or the State responsible for national activities in outer space under the United Nations treaties on outer space should be requested to submit information to the authority to enable the State on whose registry such objects are carried to submit the relevant information to the Secretary-General of the United Nations in accordance with applicable international instruments, including the Convention on Registration of Objects Launched into Outer Space,[4] and in consideration of General Assembly resolutions 1721 B (XVI) of 20 December 1961 and 62/101 of 17 December 2007; the State may also request information on any change in the main characteristics of space objects, in particular when they have become non-functional;

7. States could consider ways of seeking recourse from operators or owners of space objects if their liability for damage under the United Nations treaties on outer space has become engaged; in order to ensure appropriate coverage for damage claims, States could introduce insurance requirements and indemnification procedures, as appropriate;

8. Continuing supervision of the space activities of non-governmental entities should be ensured in the event of the transfer of ownership or control of a space object in orbit; national regulations may provide for authorization requirements with regard to the transfer of ownership or obligations for the submission of information on the change in status of the operation of a space object in orbit.

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[3] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20* (A/62/20), annex.

[4] United Nations, *Treaty Series*, vol. 1023, No. 15020.